

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
W.P.NO.1618 OF 2004

Ravindra Shivappa Gaikwad ..Petitioner

Vs.

Commissioner of Police
Solapur City and Ors. ..Respondents

...
Mr.Ujwal R.Agandsurve Advocate for Petitioner
Mr.D.R.More A.P.P. for the Respondents
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : JUNE 26, 2006
IN CHAMBER AT 2.35 PM.

P.C.

1. Heard the learned advocate for the Petitioner and learned A.P.P. for the Respondents. Rule. By consent, rule is heard forthwith.

2. The Petitioner is running Hotel in the name and style as "Sagar Hotel" at 110/11B, Railway Lines, Solapur. The Petitioner was granted entertainment and performance licence. The performance licence of the Petitioner came to be cancelled by order dated 7th August, 2003 on the ground that the

Petitioner was found running the hotel beyond the stipulated hours on 10th June, 2003. Being aggrieved by the said action of the Respondents of cancellation of performance licence, the Petitioner has approached this Court.

3. It is an admitted fact that performance licence of the Petitioner came to be cancelled as the Hotel was found open beyond the stipulated hours on 10th June, 2003 and at that time, orchestra was being conducted. Only on account of this solitary incident, the performance licence of the Petitioner came to be cancelled. In my opinion, the action of cancellation of performance licence on account of the hotel being found running beyond stipulated hours on one solitary occasion, is rather harsh and hence, I am inclined to set aside the said order. Accordingly, the said order is set aside.

4. It is stated by the learned A.P.P. that another show-cause notice dated 8th April, 2004 came to be issued against the Petitioner, however, no action was taken pursuant to the said show-cause notice. It is made clear that henceforth, if the petitioner is found indulging in any illegal or

unlawful activities including the hotel being found running after 12.30 a.m. as per Government of Maharashtra Resolution dated 25th December, 2003, it is open to the Respondents to take action against the petitioner in accordance with law.

5. Petition is disposed of. Rule made absolute in the above terms.

[SMT.V.K.TAHILRAMANI, J.]